

**RESOLUTION
PLANNING BOARD
CITY OF BAYONNE**

APPLICANT: WEST 6TH STREET REALTY, LLC
APPLICATION NO.: P-16-020
PREMISES: 143 Avenue A
Block 301.02, Lots 11-15 and Block 301.03, Lot 1

WHEREAS, WEST 6TH STREET REALTY, LLC, (applicant) has applied to the Planning Board of the City of Bayonne seeking preliminary and final major site plan approval, bulk variance relief and waivers to allow the construction of a single story multi-tenant retail building on vacant property located at 143 Avenue A in City Block 301.2, Lots 11 thru 15 and Block 301.03, Lot 1; and

WHEREAS, the applicant has submitted proof of notification by mail and personal services, at least ten (10) days prior to the date set forth for public hearing to property owners within 200 feet of the extreme limits of the property, in accordance with the Zoning Ordinance of the City of Bayonne as amended and supplemented in accordance with N.J.S.A. 40:55D-1 et. seq. has been completed and the application has been deemed complete for review; and

WHEREAS, the applicant, through its attorney, Patrick J. McNamara, Esq., came before the Board at a special meeting held on June 27, 2016; and

WHEREAS, Jose Santos, AIA, Jonathan R. Istranvi, P.E, and John McDonough, P.P., provided testimony in support of the application; and

WHEREAS, after carefully considering the evidence and proofs, testimony of the applicant and arguments of counsel presented at the hearing in this matter, the Board has made the following findings of fact and conclusions of law:

1. The Planning Board has the jurisdiction to act upon this application with a majority vote required for approval of all matters; and
2. The subject property is located on the western side of Avenue A, north of its intersection with West 5th Street. It was the previous location of the Bergen Point Brass Foundry which closed in the mid 1980's. The site is currently vacant and consists of approximately $\frac{3}{4}$ of an acre. The applicant is proposing to construct a 12,000 square foot multi-tenant retail building with associated parking, landscaping, lighting and miscellaneous site improvements; and
3. The applicant is requesting preliminary and final major site plan approval along with a bulk variance relief for minimum rear yard setback, driveway curb cut width, loading/unloading and signage along with waivers for lighting and fencing. The subject property is regulated by the C-2 Community Commercial District and the proposed retail building is a permitted use; and
4. Jose Santos, AIA, the applicant's architect, testified that the building would be one story, finished in brick and would house two (2) tenants in dry retail with the space divided in approximately 10,000 square feet and 2,000 square feet. As the property is currently vacant he opined that construction could be completed in two (2) months. He further described the architectural features of the building. He described the parking and the improvements for this commercial development; and
5. Jonathan Istroni, P.E., testified in his capacity as an engineer for the project. He described the existing site and the area as a whole. He described the improvements proposed for the property as a one (1) story building with 12,000 square feet for retail business. He reviewed the site plan and described the improvements. He reviewed the Redevelopment Plan and site plan compliance. Mr. Istroni described the parking area having two (2) driveways with variances required for curb cut width as well as the layout and testified there would be forty-three (43) parking spaces noting that only forty (40) are required by the Plan. He further discussed each of the bulk requirements and setbacks. Mr. Istroni described the site improvements to include new curbing and sidewalks, landscaping, lighting and signage. He discussed the stormwater drainage and reviewed the Engineer's report. Mr. Istroni further testified that there would be cross access easements provided as well as the required number of street trees; and
6. John McDonough, P.P, reviewed the Exhibits which showed the site as it is today. Mr. McDonough described the project in detail, the purpose of the building being retail which is a permitted use. He addressed, point by point, each of the variances requested and how the project on balance would be positive for the area and the City as a whole. Mr. McDonough testified that the variance relief requested could be granted in accordance with N.J.S.A. 40:55-D-2. He also testified that this project

would not have a substantial detriment to the public good nor impair the Zone Plan and Zoning Ordinance. He described the project as having a good straight forward approach and that there would be no interference with bridge traffic. The site would conduct all deliveries during off hours; and

7. There no members of the general public present who expressed an opinion either for or against this application; and
8. The Board makes the following findings and conclusions with respect to this application:
 - a. The Board has considered the testimony presented on behalf of the applicant. In addition, the Board has reviewed the City of Bayonne Zoning Ordinance, Master Plan, Redevelopment Plan and all material marked into evidence, incorporated herein by reference; and
 - b. The Board has the authority to interpret the provisions of the Zoning Ordinance but an interpretation should not be used to change the plain meaning and intent of the Ordinance as enacted by the City Council; and
 - c. The Board has been called upon to consider the testimony presented by experts in determining the issues presented. The Board has considered and evaluated the testimony presented by these experts, observed their responses to the questions and the candidness of their answers, weighting the overall objectivity of the experts on these issues; and
 - d. The Municipal Land Use Law, N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non use related issues when the applicant satisfies certain specific proofs which are enunciated in the statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. The applicant may show that exceptional topographical conditions or physical features exist which uniquely affect the specific piece of property. Furthermore, the applicant may also supply evidence that exceptional or extraordinary circumstances exist that uniquely affect the specific piece of property and structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar or practical difficulty or exceptional undue hardship on the development of that property. Additionally, under "c-2" criteria, the applicant has the option of showing particular instances relating to specific pieces of property that proposes the act would be advanced by allowing a deviation from the Zoning Ordinance and the benefits of any deviation substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from the regulation adopted pursuant to the Zoning Ordinance. These categories specifically

enumerated above constitute the affirmative proofs necessary in order to obtain c-2 bulk variance relief. Finally, an applicant must also show that the bulk variance relief would not have a substantial detriment to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. Typically, in these instances where the applicant has satisfied both of these tests that a Board, acting pursuant to statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria; and

- e. The Board finds that, based upon the record before it, the variance sought by the applicant would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the City of Bayonne. The variances the applicant needs to develop this property as proposed would not have a detrimental impact on the overall enjoyment of the property in question. The applicant has demonstrated that the development of this type of multi-family property could not be done with any less relief. The fact that the applicant has used its best efforts satisfies the Ordinance conditions and constitutes a hardship that justifies the granting of the variance. The proposed benefits of deviation outweigh the detriments. The proofs offered by the applicant meet the standards that granting the variance relief would not have a substantial detrimental effect or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. The applicant has offered sufficient proof to meet the requirements of the Zoning Ordinance; and
- f. In the case before the Board the applicant has demonstrated the proposed variances present an opportunity to improve zoning and planning that will benefit the community and effectuate the goals of the City as reflected in the Zoning Ordinance and Master Plan. The benefits to the community outweigh the detriments of the variance in this matter and would not negatively affect future residents or the City of Bayonne as a whole. The applicant has met its burden of proof with regard to satisfying the positive and negative criteria as required to secure a "c" variance sought in the application as set forth above; and
- g. The Planning Board hereby determines that the applicant has met its burden of proof to the satisfaction of the Planning Board for subdivision and site plan approval and variance relief and must satisfy the conditions listed on Schedule A attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the City of Bayonne hereby **GRANTS WEST 6TH STREET REALTY, LLC**, (applicant) preliminary and final major site plan approval, bulk variance relief and waivers to allow the construction of a single story multi-tenant retail building on vacant property located at 143 Avenue A in City Block 301.2 Lots 11-15 and Block 301.03, Lot 1, subject to the approval of all pertinent Federal, State, County and Municipal rules and regulations, statutes, codes and ordinances and other conditions listed on Schedule "A" attached hereto.

BE IT FURTHER RESOLVED, that the Chairman of the Planning Board has hereby authorized his signature to this Resolution and the Land Use Administrator is authorized to advertise the action taken by way of Resolution in a local newspaper; and

BE IT FURTHER RESOLVED, that the Land Use Administrator is authorized to send copies of this Resolution to the following City Officials: City Clerk, Construction Official, Zoning Officer, Fire Sub-Code Official, City Planner and City Consulting Engineer.

RECORDED VOTE:

<u>Commissioners</u>	Aye	Nay	Abstain	Not Voting	Not Present
Theodore Garelick	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Karen Fiermonte	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Laura Marsella	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Perez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrence Malloy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Quintela	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ramy Lawandy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
James Davis, Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

WHEREAS, the application having received six (6) affirmative votes, is hereby

APPROVED.

The above Resolution was adopted by the Planning Board of the City of Bayonne at a regular meeting held on July 12, 2016.



THEODORE GARELICK
Chairman

RNC/1g

SCHEDULE "A"
West 6th Street Realty, LLC
P-16-020

1. The applicant shall comply with the reports and recommendations of Robert J. Russo, P.E., consulting City Engineer's report dated June 6, 2016 and James F. Clarkin, P.P., consulting City Planner's report dated June 17, 2016 except as those recommendations have been specifically modified as reflected in the minutes of the proceedings before the Board on this application; and
2. The applicant shall maintain the property, including all landscaping and parking in accordance with the approved plan; and
3. The applicant shall submit revised plans for final approval by the City Planner and Engineer satisfying all conditions; and
4. The applicant shall establish and maintain an escrow account with the City of Bayonne to pay for the professional review and inspection fees related to this application and construction required in conjunction therewith; and
5. The applicant shall submit cost estimates to the City Engineer to determine the cost of the Performance Bond and Inspection Escrow fees; and
6. Approval of this application is further conditioned on full compliance with all applicable Federal, State and Local Ordinances, rules and regulations as well as any and all requirements of the New Jersey Department of Environmental Protection with specific emphasis on any requirements of a stormwater management plan for same and all required permits and approvals and certificates; and
7. The applicant shall be bound to comply with the representations made before this Board by the applicant, its counsel and experts at the public hearing and the same are incorporated herein and are representations upon which this Board has relied in granting the approval set forth herein and shall be enforceable as if those representations were made conditions of approval; and
8. Approval of this application is further conditioned on the payment of all taxes, fees and required escrow deposits to the City of Bayonne. The applicant shall pay any additional fees or escrow deposits which may be due and owing within thirty (30) days from the date of adoption of this resolution; and
9. All documents required to be prepared by the applicant by virtue of the terms or provisions of any condition set forth in this resolution shall, before execution, be submitted and approved by the Board attorney and engineer; and
10. If any other governmental agency grants a waiver or variance of a regulation, then this Board shall have the right to review that issue as it relates to this approval granted by this Board and modify to amend same; and

11. The applicant shall start the construction in accordance with the plans as approved and herewith submitted within twelve (12) months from the date of publication of the legal notice of the Board's decision in this application.
12. The approval of this application is conditioned upon the conclusion of the legal action entitled 159 Avenue A, LLC v City of Bayonne, Docket No.: HUD-L-2237-16, which is an Action in Lieu of a Prerogative Writ. This suit involves a portion of West 6th Street which was vacated by the City Bayonne under Ordinance 0-16-19 on April 20, 2016. The approved site plan contains the vacated street as a portion of the approved plan. The approval of this Resolution and any resulting development that is commenced and/or completed, is done at the applicant's own risk if the above suit is not resolved.

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

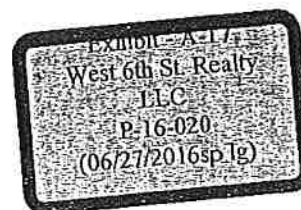


June 17, 2016

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME

City of Bayonne Planning Board
630 Avenue C
Bayonne, NJ 07002-3898

Re: West 6th Street Realty, LLC (P-16-020)
143 Avenue A
Preliminary and Final Major Site Plan – Planning Review #1
Block 301.02 Lots 11-15 & Block 301.03 Lot 1
Our File No.: PBYP0301.03



Dear Chairman and Board Members:

As requested, our office has reviewed the above referenced application for Preliminary and Final Major Site Plan approval. The following documents were reviewed for this application:

- Application Form and Statement completed by Applicant;
- Figures and Photograph Location Plan prepared by Stonefield Engineering dated March 11, 2016;
- Traffic Assessment Letter Report prepared by Stonefield Engineering dated April 21, 2016;
- Environmental Impact and Stormwater Management Statement prepared by Stonefield Engineering, dated April 20, 2016;
- Survey prepared by Faraldi Group, Inc. dated November 8, 2013;
- Floor Plan and Elevations for Proposed Retail Building for West 6th Street, LLC prepared by Architrave Group PC, dated April 18, 2016; and
- Preliminary and Final Site Plan Engineer Drawings for West 6th Street Realty, LLC for proposed multi-tenant retail building prepared by Stonefield Engineering, dated April 20, 2016.

We offer the following comments for the Board's consideration:

1. Summary of Application

This application is seeking preliminary and final major site plan approval to construct a single story, 12,000 square-foot multi-tenant retail building located at 143 Avenue A known as Block 301.02 Lots 11-15 and Block 301.03 Lot 1. The subject property was the previous location of the Bergen Point Brass Foundry which closed in the mid 1980's. The property has been and is currently vacant and has fallen into degradation. The Applicant has demolished the existing



City of Bayonne Planning Board
Re: West 6th Street Realty, LLC (P-16-020)
Preliminary and Final Major Site Plan
First Planning Review

June 17, 2016
PBYP0301.03
Page 2

dilapidated structures, and performed the required environmental remediation relating to the prior industrial use. The proposed structure will be finished in brick. 43 parking spaces are proposed which complies with the City Ordinance and according to the Traffic Assessment Letter, will adequately handle anticipated peak parking demand for the 12,000 square-foot retail building. It should be noted that the property is bisected by a portion of West Sixth Street. West Sixth Street is an unimproved paper street terminating at the western border of the property. West Sixth Street was officially vacated by ordinance on April 20, 2016 and has been incorporated into the subject property for the proposed site plan.

2. Zoning and Bulk Variances

The subject property is regulated by the C-2 Community Commercial District. The proposed retail building is a permitted use. The bulk and yard standards of the C-2 District, and the applicant's conformance with these standards, are outlined in the table below.

Standard	Required	Proposed
Minimum Lot Area (sq. ft.)	No requirement	33,340 (0.675 acres)
Minimum Lot Frontage on Avenue E (ft.)	225	225
Minimum Lot Depth (ft.)	No requirement	150
Minimum Front Yard Setback	No requirement	70
Minimum Rear Yard Setback (ft.)	20	0 (V)
Minimum Side Yard Setback (ONE)	No Requirement	0.6
Minimum Side Yard Setback (BOTH)	No Requirement	56.6
Maximum Building Height (ft.)	35 Feet/3 Stories	<35 Feet/ 1 Story
Maximum Building Coverage	60%	36%
Off-Street Parking Requirement	1 space per 300 Square Feet of Retail = 40 spaces	43 Spaces

The Application requires Bulk "C" variances from the requirements of the City Zoning Ordinance:

Section 35-5.9e4 - Minimum Rear Yard Setback: The C-2 Zoning District requires a 20 foot setback where 0 feet is proposed. Therefore, a bulk 'c' variance is required.

Section 35-17.6a – Driveway Curb Cut Width: Ordinance permits only one curb cut per lot and no driveway curb cut shall exceed 10 feet in a commercial zone where two



City of Bayonne Planning Board
Re: West 6th Street Realty, LLC (P-16-020)
Preliminary and Final Major Site Plan
First Planning Review

June 17, 2016
PBYP0301.03
Page 3

driveways are proposed with a 15-foot and 33-foot curb cut. Therefore, bulk 'c' variances are required.

Section 35-17.8 – Loading and Unloading: Ordinance requires that loading and unloading shall not interfere with traffic on the main street and the proposed circulation and loading scheme does not comply. Therefore a bulk 'c' variance is required.

Section 35-25.4a – Signs: Ordinance does not permit freestanding signs within commercial zones where one pylon sign is proposed. Therefore a bulk 'c' variance is required.

The applicant shall provide testimony to the Board that addresses the "positive" and "negative" criteria required for the Board to grant bulk variance relief for the required variances.

The Applicant is requesting the following design waivers and testimony shall be given to the board for requesting relief:

Section 33-10.10 – Lighting: Design requirements shall provide a minimum average illumination at driveway entrances of 3 footcandles, where 2.5 is provided; 5 footcandles average required at loading area where 3.2 is provided; and maximum illumination at property lines shall be 1 footcandle where 1.5 is proposed. Waivers are required for these proposed lighting designs.

Section 33-10.16a – Fences: Ordinance requires a 4-6 foot fences only in rear and side yards up to the front façade of the principal building and the proposed fence does not comply. Therefore a design waiver is required.

3. Planning Comments

- A. The Applicant shall provide testimony to the Board regarding the overall use and operation of the site if the proposed development is approved. Such testimony should address, at a minimum:
- i. Anticipated number of tenants;
 - ii. Specific tenants or types of uses anticipated;
 - iii. Anticipated hours of operation for each potential use; and



City of Bayonne Planning Board
Re: West 6th Street Realty, LLC (P-16-020)
Preliminary and Final Major Site Plan
First Planning Review

June 17, 2016
PBYP0301.03
Page 4

- iv. Anticipated number of employees for each use.

- B. The Applicant met with the City Technical Review Committee (TRC) prior to filing the subject application in order to garner input from the Board professionals regarding a conceptual development plan of the subject site. At that meeting, the Applicant represented that certain historical elements of the previously existing use and structure would be incorporated into the design of the proposed development. The Applicant shall provide testimony to the Board clarifying what, if any, historical elements of the Bergen Point Brass Foundry will be incorporated into the proposed development.

- C. Streetscape improvements shall be discussed with the Board or any other proposed improvements in the right-of-way, including street trees and sidewalks. The Applicant shall address compliance with Section 33-10.17.c (Street Trees).

- D. The Applicant shall provide testimony with respect to remediation on the site. Testimony should address the current status of remediation, the presence of any groundwater or soil contamination, and any further remediation requirements or conformance with NJDEP standards.

- E. The Applicant shall testify to how garbage and recycling will be handled. Testimony should address location of trash/recycle receptacles, how they will be transferred from tenant space to the trash/recyclable receptacle location, and how they will be collected and removed from the site.

- F. The Applicant is encouraged to provide a color rendering of the building during testimony that delineates materials used on the façade and overall building to assure conformance with all design standards.

- G. Discuss circulation and access with respect to emergency vehicles.

- H. We defer to the Board Engineer regarding grading, drainage, utilities, lighting and shade trees.

- I. The Applicant shall obtain all required permits from the City Building Department.



City of Bayonne Planning Board
Re: West 6th Street Realty, LLC (P-16-020)
Preliminary and Final Major Site Plan
First Planning Review

June 17, 2016
PBYP0301.03
Page 5

J. The Applicant shall address the comments of other agencies with jurisdiction including the City Engineer, Bayonne MUA, Fire Sub-Code Official and Building Department.

Should you have any questions regarding this matter, please do not hesitate to call.

If you should have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME Associates

James F. Clarkin, PP, AICP
Consulting Planner

CC: Lillian Glazewski, City Land Use Administrator
Richard Campisano, Esq., Board Attorney
Robert Russo, PE, Consulting Engineer
Richard Bielinski, Construction Official
Joseph Coughlin, Fire Sub-Code Official
Donna Ward, Zoning Officer
West 6th Street Realty, LLC, Applicant
John McDonough. – Applicant's Planning Consultant
John S. Stolz, Esq. – Applicant's Attorney
Stonefield Engineering – Applicant's Engineer

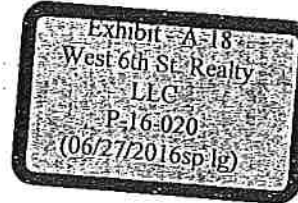
JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME

MEMO TO: City of Bayonne
Planning Board

FROM: Robert J. Russo, PE, PP, CME
City Engineer's Office



DATE: June 6, 2016

RE: **West 6th Street Realty, LLC**
Report #1
Block 301.02, Lot 11; Block 301.02, Lots 12-14; Block 301.03, Lot 1
143, 147-157 Avenue A; 170-176 West 6th Street
Bayonne, New Jersey
Our File: PBYP0301.03/600.01
Application # P-16-020

As per your request, this office has reviewed the following documents relative to the above referenced preliminary and final site plan application:

- Preliminary and Final Major Site Plan, as prepared by Stonefield Engineering and Design, LLC, dated April 20, 2016;
- Architectural Plans, as prepared by Architrave Group PC dated of April 18, 2016;
- Site Survey, as prepared by Faraldi Group, Inc., dated November 8, 2013;
- Traffic Impact Study, as prepared by Stonefield Engineering and Design, LLC, dated April 21, 2016;
- Environmental Impact and Stormwater Management Statement, as prepared by Stonefield Engineering and Design, LLC, dated April 20, 2016;
- Application Forms.

The following comments are offered with regard to same:

A. PROJECT OVERVIEW

1. The site is located on the western side of Avenue A, north of its intersection with West 5th Street. The site is currently vacant and consists of approximately $\frac{3}{4}$ of an acre. The applicant is proposing to construct a 12,000 square foot multi-tenant retail building with associated parking, landscaping, lighting and miscellaneous site improvements.

We defer the review of the zoning related issues to the Board Planning Consultant except where they may pertain to engineering issues.



Memo to Bayonne Planning Board
Our File: PBYP0301.03
June 6, 2016
Page 2 of 4

B. GENERAL SITE IMPROVEMENT REVIEW

1. The applicant should clearly delineate on the site plans the existing and proposed lot lines for all lots associated with the application and also the West 6th Street ROW which was recently vacated.
2. The proposed site improvements encroach onto adjoining lots 12, 13 and 14 which are part of this site plan application. The applicant should indicate if cross assess easements will be provided and/or if the lots will be subdivided. In addition, the applicant should consolidate the lots the proposed improvements are located on. The applicant should provide metes and bounds descriptions for review for the existing lots and consolidated lot. The proposed lot number shall be approved by the Tax Assessor.
3. In accordance with Section 35-17.5a of the ordinance, no driveway curb cut shall exceed ten (10') feet in width and there shall be no more than one (1) driveway curb cut per lot. The applicant is proposing two (2) curb cuts, 30' and 15' in width for the entrances into the parking area. From an engineering perspective, we have no objection to the size and number of curb cuts proposed for the site. The applicant should revise the cover sheet to note the correct section of the ordinance.
4. In accordance with section 35-17.5.c.2 of the ordinance, no parking area shall be located closer than five (5) feet from any street right-of-way. The proposed parking area is proposed to be located within 4' of Avenue A which will required a variance.
5. The applicant should provide testimony to the Board regarding the number and types of vehicles which will utilize the site in addition to the total number of employees and hours of operation for the retail uses.
6. In accordance with section 33-10.10a2 of the ordinance, minimum average design illumination for all parking areas other than industrial areas shall be two (2) foot-candles in the parking area and three (3) foot-candles at driveway entrances. The applicant is proposing light levels which generally meet these requirements and we have no objections to the waiver requests for lighting levels at the driveway entrances and loading areas. However, there are some areas within the parking area which are below one (1) foot-candle which should be addressed.
7. The applicant should provide additional existing and proposed grades along the property lines and tie in points to ensure the proposed improvements do not adversely impact the adjoining lots.
8. The applicant should provide detailed grades at all handicap ramps, driveway crossings and building elevations to ensure all handicap ramps and sidewalk are ADA compliant and meet current regulations. In addition, all landings and truncated domes should be delineated.



Memo to Bayonne Planning Board
Our File: PBYP0301.03
June 6, 2016
Page 3 of 4

9. This office recommends that the applicant mill and pave Avenue A along the property frontage from the centerline of the pavement to the proposed curbline. In addition, the concrete curbing should be removed and replaced. Same should be noted on the site plans.
10. A general note should be provided for the proposed sidewalk along the Avenue A frontage indicating the maximum cross slope is 2%.
11. It appears that the top and bottom of curb grade at the northeastern corner of the front parking area appears to be incorrect creating a low point. This should be addressed.
12. The applicant should provide additional street trees along the Avenue A frontage to comply with the required 40' on center spacing.
13. The applicant should extend the proposed curbing at the landscaped islands along the front parking area the full length of the adjacent parking spaces for vehicle protection.
14. The applicant should provide concrete curbing around the southwestern most parking space in the side parking area to segregate this area from the adjacent dumpster area.
15. The applicant should extend the proposed 6' high board on board fence or realign the relocated Jersey barrier and fencing at the southwestern corner of the site to eliminate the gap between the two fences.
16. The on-site storm sewer system will discharge to a combined sewer system; therefore, a note should be added to the structures stating that same should incorporate a backflow device and a water-seal trap in accordance with plumbing code. The backflow device and water-seal should be approved by the Construction Official and the Municipal Utilities Authority prior to construction.

C. MISCELLANEOUS

1. The following construction details shall be provided and/or modified:
 - a. The concrete curb, walkway and 6" reinforced concrete mat detail should be revised to indicate the concrete shall be 4,500 psi, air entrained;
 - b. Trench Drain Detail should be modified to indicate grate is A.D.A. compliant;
 - c. All drainage structure details shall delineate steps to be installed a maximum distance of 12" oc;
 - d. Sign Post detail shall indicate a breakaway sign post should be installed;
 - e. Transition ramp detail shall delineate a cast in place detectable warning surface.
 - f. Proposed Storm Inlet D-101 shall have a standard type catch basin trap and two foot (2') deep sediment sump.



Memo to Bayonne Planning Board
Our File: PBYP0301.03
June 6, 2016
Page 4 of 4

2. We defer the review of the storm water management system to the B.M.U.A. since same discharges to their system.
3. If the Board acts favorable on this application, the applicant shall post the required performance bonds and engineering and inspection fees.
4. Other Agency Approvals, if required:
 - Hudson County Planning Board
 - BMUA
 - Soil Conservation District
 - NJDEP
 - All other agencies having jurisdiction

Should you have any questions regarding this matter, please do not hesitate to contact this office.

RJR/rr

cc: Land Use Administrator
Board Attorney
Board Planner
Zoning Officer
West 6th Street Realty, LLC, Applicant
Patrick J. McNamara, Esq., Applicant's Attorney
Architrave Group PC, Applicant's Architect
Stonefield Engineering and Design, Applicant's Engineer